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|---|-------------|----------------------|------------------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/835,946 | 04/16/2001 | KRISTOFER E. ELBING | KEE-0014 | 7924 |
| 26653 7590 01/12/2007 KRISTOFER E. ELBING 187 PELHAM ISLAND ROAD WAYLAND, MA 01778 | | | EXAMINER SAX, STEVEN PAUL | |
| | | | ART UNIT 2174 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | | MAIL DATE | DELIVERY MODE |
| 3 MONTHS | | | 01/12/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/835,946

Applicant(s)

ELBING ET AL

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE and amendment 11/6/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26,28,39 and 41-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26,28,39 and 41-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. The RCE and amendment filed 11/6/06 have been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26,28,39 and 41-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al (5880714) and Braun et al (6300936) and Yamanaka et al (5714978).

4. Regarding claim 26, see in Rosenberg et al the computer system with processor and operating system and display (Figure 1, 2A, column 3 lines 10-20), the pointing device with position sensor having an output line and tactile actuator having an input line (column 3 lines 22-32, column 4 lines 25-46), wherein the input line is responsive to the pointing device driver which is in turn responsive to the output line (column 4 lines 40-55, column 6 lines 40-50), an application responsive to the pointing device driver and operating system and communicating with the display, and wherein the driver is

responsive to a general purpose application (column 5 lines 1-22 and 33-42, abstract). Rosenberg et al do not go into the details of plural applications, with a plurality of application specific profile elements for the applications that define tactile signals to the actuator when interacting with the corresponding applications, or the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, but do show the application responsive to the driver and defining tactile signals to an actuator application for efficient user feedback (aforecited, also column 8 lines 1-11). Furthermore, Braun et al show the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications (Figures 5, 9, 12, column 3 lines 30-59, column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43), as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements (column 9 lines 5-25, column 12 lines 45-65, column 16 lines 35-48, column 19 lines 27-31, column 20 lines 5-12), for efficient user feedback. It would have been obvious to a person with ordinary skill in the art to have the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications, as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, in Rosenberg et al because it would provide efficient user feedback. Neither Rosenberg et al nor Braun et al go into the specific details of how the pointing device is a mouse such that is movable with respect

to a work surface and includes a position sensor operative to interact with the work surface to derive a position signal having an output line, but Rosenberg et al do show defining tactile signals based on efficient feedback of the pointing device. Furthermore, Yamanaka et al do show this (Figures 2, 3A, 4B, 5, column 1 lines 53-67, column 2 lines 40-60, column 4 lines 35-42, column 6 lines 5-20, column 7 lines 25-45) for defining tactile signals based on efficient feedback of the pointing device (keep in mind again that the cursor position is directly corresponding to the sensed mouse position as explained in column 1 lines 45-67). It would have been obvious to a person with ordinary skill in the art to have this in Rosenberg et al, especially as modified by Braun et al ,because it would provide tactile signals based on efficient feedback of the (mouse) pointing device.

5. Regarding claim 28, in addition to that mentioned for claim 26, the application specific profile elements in Braun et al correspond to classes of the applications supported by the computer system (column 20 lines 7-22). This then being in Rosenberg et al follows from the obviousness stated in paragraph 4 of this Office Action.

6. Regarding claim 39, in addition to that mentioned for claim 26, note that a second actuation is sent in response to receiving signals during interaction with a second application, just as in the same procedure as with the first actuation (Braun column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43). This then being

present in Rosenberg et al follows from the obviousness stated in paragraph 4 of this Office Action.

7. Regarding claim 41, the profile elements map interactions with single alphanumeric characters to tactical impulses (as shown in Braun column 9 lines 25-39, the pixel mapping column 44 lines 14-30. The obviousness to have this in Rosenberg et al follows from paragraph 4 of this Office Action).

8. Regarding claim 42, the tactical impulses are sent to the actuator in the form of analog pulses (column 3 lines 22-32, column 4 lines 25-46).

9. Regarding claim 43, the profile elements map movement from character to the next to a tactical signal (Braun column 9 lines 25-39, column 17 lines 30-45, column 44 lines 14-30). The obviousness to have this in Rosenberg et al then follows from paragraph 4 of this Office Action.

10. Regarding claim 44, Braun shows a text based class (column 9 lines 25-39, column 44 lines 14-30). This then being in Rosenberg et al follows from the obviousness in paragraph 4 of this Office Action.

11. Regarding claim 45, Braun also shows unknown applications are included (column 19 lines 20-43). This then being in Rosenberg et al follows from the obviousness in paragraph 4 of this Office Action.

12. Regarding claim 46, Braun et al show at least some of the application specific profile elements are derived by a driver as the computer operates (Figures 5, 9, 12, column 3 lines 30-59, column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43). This then being present in Rosenberg et al follows from the obviousness stated above in paragraph 4 of this Office Action.

13. Regarding claim 47, some of the elements are derived from scanning part of a window (Rosenberg et al column 4 lines 40-55, column 6 lines 40-50).

14. Regarding claims 48-49, some of the elements are derived from applying statistical tests to screen display information (Rosenberg et al column 3 lines 20-30, column 4 lines 40-55, column 6 lines 40-50).

15. Regarding claim 50, Braun et al show at least some of the application specific profile elements correspond to classes of applications supported by the computer (Figures 5, 9, 12, column 3 lines 30-59, column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43). This then being present in Rosenberg et al follows from the obviousness stated above in paragraph 4 of this Office Action.

16. Regarding claim 51, Braun shows a text based class (column 9 lines 25-39, column 44 lines 14-30). This then being in Rosenberg et al follows from the obviousness in paragraph 4 of this Office Action.

17. Regarding claim 52, Braun also shows unknown applications are included (column 19 lines 20-43). This then being in Rosenberg et al follows from the obviousness in paragraph 4 of this Office Action.

18. Regarding claim 53, the mouse includes a housing that supports the position sensor and tactile actuator (Yamanaka et al column 1 lines 50-67). This then being in Rosenberg et al follows from the obviousness in paragraph 4 of this Office Action.

19. Regarding claims 54 and 56, Braun shows at least one of the applications includes a word processor (column 19 lines 20-43). This then being in Rosenberg et al follows from the obviousness in paragraph 4 of this Office Action.

20. Regarding claims 55 and 57, at least some of the application-specific profile elements in Braun et al are based on cells each containing a single alphanumeric character (such as the mapping to a numeric value in column 9 lines 25-39, the pixel mapping in column 44 lines 14-30). This then being in Rosenberg et al follows from the obviousness in paragraph 4 of this Office Action.

21. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Applicant's representative is invited to contact Examiner at 571-272-4072 to continue discussing the claim language.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVEN SAX
EXAMINER